

Juanita Brooks (CA Bar No. 75934/brooks@fr.com)
Seth M. Sproul (CA Bar No. 217711/sproul@fr.com)
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

David J. Miclean (CA Bar No. 115098/miclean@fr.com)
Christina D. Jordan (CA Bar No. 245944/cjordan@fr.com)
FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

Attorneys for Plaintiff
GOOGLE INC.

James Pooley (CA Bar No. 58041/Jpooley@mofo.com)
L. Scott Oliver (CA Bar No. 174824/soliver@mofo.com)
Daniel A. Zlatnik (CA Bar No. 259690/dzlatnik@mofo.com)
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, CA 94304-1018
Telephone: (650) 813-5600
Facsimile: (650) 494-0792

Attorneys for Defendant
NETLIST, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GOOGLE INC.,

Plaintiff,

v.

NETLIST, INC.,

Defendant.

Case No. 08-04144 SBA

**JOINT STIPULATION AND
[PROPOSED] ORDER DISMISSING
COUNT OF CONTRIBUTORY
INFRINGEMENT WITHOUT
PREJUDICE**

1 WHEREAS Plaintiff Google Inc. ("Google") and Defendant Netlist, Inc. ("Netlist") wish
2 to dismiss their respective contributory infringement claims and counterclaims with regard to U.S.
3 Patent No. 7,289,386 ("the '386 Patent"), which are now pending in the action entitled Google
4 Inc. v. Netlist, Inc., Case No. 08-04144 SBA;

5 IT IS HEREBY THEREFORE STIPULATED by and between Google and Netlist,
6 through their respective counsel of record, that pursuant to Rule 15(a) of the Federal Rules of Civil
7 Procedure, all contributory infringement claims and counterclaims made under the '386 Patent
8 shall be dismissed without prejudice. *See Gronholz v. Sears, Roebuck & Co.*, 836 F.2d 515, 517-
9 18 (Fed. Cir. 1987) (noting that voluntary dismissal of fewer than all claims in an action is treated
10 as an amendment of the pleadings pursuant to Fed. R. Civ. Proc. 15). This stipulation has no
11 effect upon any other claims or counterclaims arising under the '386 Patent asserted in this action.

12 Dated: June 12, 2009

MORRISON & FOERSTER LLP

13
14 By: /s/ L. Scott Oliver

L. SCOTT OLIVER

15
16 Attorneys for Defendant
NETLIST, INC.

17 Dated: June 12, 2009

FISH & RICHARDSON P.C.

18
19 By: /s/Christina D. Jordan

20 CHRISTINA D. JORDAN

21 Attorneys for Plaintiff
GOOGLE, INC.

22 50656274.doc
23
24
25
26
27
28

1 **DECLARATION OF CONSENT**

2 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
3 penalty of perjury that concurrence in the filing of this document has been obtained from L. Scott
4 Oliver.

5 Dated: June 12, 2009

FISH & RICHARDSON P.C.

6
7 By: /s/Christina D. Jordan
8 CHRISTINA D. JORDAN

9 Attorneys for Plaintiff
10 GOOGLE, INC.

11 **IT IS SO ORDERED.**

12 All contributory infringement claims and counterclaims made under the '386 Patent shall
13 be dismissed without prejudice. This order has no effect upon any other claims or counterclaims
14 arising under the '386 Patent asserted in this case.

15
16 Dated: June ___, 2009

17
18 SAUNDRA BROWN ARMSTRONG
19 United States District Judge

20 50656274.doc